

# **Alabama Department of Environmental Management**



## **Functional Analysis & Records Disposition Authority**

**Revision  
Presented to the  
State Records Commission  
January 25, 2001**

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# **Functional and Organizational Analysis of the Alabama Department of Environmental Management**

## **Sources of Information**

- Alabama Department of Environmental Management, Records Disposition Authority Committee:
  - Prudence Cash, Associate General Counsel, Office of the General Counsel
  - Rob Coleman, Environmental Engineer, Municipal Branch
  - Dan Cooper, Chief, General Services Branch, Permits and Services Division
  - Walt Corbitt, Chief, Information Systems
  - Tom Deloach, Environmental Engineer, Water Supply Branch,
  - Scott Demick, Records Manager, Permits and Services Division
  - Marilyn Elliott (chair), Deputy Director
  - Gary Ellis, Chief, Pollution Prevention Unit, Office of Education and Outreach
  - Lynn Garthright, Chief, Control Strategies Section, Air Division
  - David Hutchison, Chief, Facilities Construction Section, Municipal Branch
  - Steve Jenkins, Chief, Field Operations Division
  - Edwin Johnston, Chief, Special Services Unit, Land Division
  - Bill Lott, Area Engineer, Industrial Branch, Water Division
  - Thad Pittman, Environmental Scientist, Underground Storage Tank/Underground Injection Control Compliance Section, Water Division
  - John Poole, Chief, Permits and Services Division
- Code of Alabama 1975 § 22-22A-1 through § 22-22A-15
- Alabama Administrative Code Chapters 335-1-1 through 335-14-17
- Alabama Government Manual (1994)
- “Functional Analysis of Alabama Government” (1998)
- Code of Federal Regulations (CFR) 40 Parts 1-799
- Alabama Department of Environmental Management Audit Report (1996)
- Water Pollution Control Authority Audit Report (1998)
- Alabama Department of Environmental Management, Environment Update (1989-1998)
- Alabama Department of Environmental Management, Air Quality Report (1997)
- Government Records Division, Alabama Department of Environmental Management records retention schedules
- Government Records Division, State Agency Files (1985-ongoing)
- Holdings of the Department of Archives and History for Alabama Department of Environmental Management

## **Historical Context**

Prior to the establishment of ADEM in 1982, several agencies shared responsibilities for environmental management: the Air Pollution Control Commission, the Water Improvement Commission, the Alabama Water Well Standards Board, the Board of Certification of Water and Wastewater Systems Personnel, the Solid Waste Collection and Hazardous Waste Division and the Public Water Supply Division of the Department of Public Health, the Environmental Health

Administration Laboratory of the Department of Public Health, and the Coastal Area Board. Legislative Act No. 82-612 created the Department of Environmental Management within the executive branch of state government in order to consolidate into one department the grouping of the above-named agencies/divisions.

## **Agency Organization**

The Alabama Department of Environmental Management (hereafter referred to as ADEM) is administered under the supervision of the Environmental Management Commission. The commission, established under the Code of Alabama 1975 § 22-22A-8, is composed of seven members to include a physician, a registered engineer, an attorney, a chemist or veterinarian, a member certified by the National Water Well Association Certification program, a biologist or ecologist, and a resident who has been in the state for at least two years. The governor, the lieutenant governor, and the speaker of the House of Representatives appointed the initial members with the advice and consent of the Senate for staggered terms of two, four, and six years. The governor appoints, with the advice and consent of the Senate, subsequent members for terms of six years. The commission selects a chairman from its members for a term not to exceed three consecutive years. The legislature also created several committees/councils to advise ADEM on environmental matters. Currently, only the Coastal Resources Advisory Committee is still active. Other committees/councils were disbanded after the accomplishment of their purposes. The Environmental Management Commission appoints the director of ADEM. The department consists of two offices (general counsel and public affairs) and six divisions (air, land, water, permits and services, education and outreach, and field operations). In addition to its headquarters in Montgomery, ADEM also operates field offices in Birmingham, Decatur, and Mobile. An organizational chart is attached.

## **Agency Function and Subfunctions**

The mandated function of the Alabama Department of Environmental Management is to develop and administer a comprehensive and coordinated environmental management program for the natural resources of the state in a manner compatible with the environment, health, and welfare of the people of the state. The Alabama Department of Environmental Management is one of the agencies primarily involved in carrying out the Regulatory, Law Enforcement and Emergency Powers, and the Client Services functions of Alabama government.

In the performance of its mandated functions, the Alabama Department of Environmental Management may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The seven-member Environmental Management Commission is responsible, under the Code of Alabama 1975 § 22-22A-6, for developing the state's environmental policies and regulations. This subfunction encompasses the commission's efforts in establishing, adopting, promulgating, modifying, repealing, and suspending rules, regulations, or environmental standards that are implemented by ADEM to accomplish its duties and functions vested by law.

- **Regulating.** Permitting, defined as a mechanism used to assure that any source with the potential to impact the environment complies with applicable state and federal statutes and regulations before becoming operational, is one of most important factors in the department's environmental regulatory process. The permitting procedures are initiated when an applicant contacts ADEM regarding construction of a new plant or expansion/modification of an existing facility. The department's permit coordinator then arranges for the applicant to meet with representatives from appropriate ADEM technical program areas. The meeting provides ADEM with details relative to the scope of the project in order to determine pollution control requirements and areas in which permits are needed. In some cases, ADEM reviews and inspects projects jointly with other state or federal government entities to ensure that the diversified requirements imposed by state and federal laws and regulations are met prior to the issuance of permits. The department is also empowered to screen and issue permits to all transporters of hazardous waste. In addition, ADEM is responsible for regulating non-permitted facilities such as facilities with hazardous waste clean-ups, underground storage tanks, and confined animal feeding operations. Staff members from ADEM monitor and check all facilities regularly for compliance with environmental rules.

To regulate and monitor industrial discharges and emissions, ADEM staff members located both at the agency's main office and field offices developed and implemented compliance monitoring procedures so that pollution controls are maintained in compliance with state and federal regulations and standards. Regulated industries or facilities are required to track their emissions and report results to ADEM. ADEM laboratories analyze samples of effluent discharges and emissions from facilities to verify monitoring reports. The department's staff members may also perform regular compliance inspections at certain selected sites. If results indicate violations or problems, staff members also work with the facility to implement corrective measures.

- **Monitoring.** To control and prevent air pollution, the U.S. Environmental Protection Agency (EPA) established the National Ambient Air Quality Standards (NAAQS) which specify maximum acceptable levels for pollutants in outdoor or ambient air. ADEM is required to implement certain ambient/trend station monitoring procedures to ensure that the NAAQS are met. The department periodically monitors and measures the ambient air quality through a network of monitors located across the state. Likewise, the department developed and implemented several monitoring programs to measure the status and trends of the quality of the state's surface and ground water supplies. For example, ADEM's ambient monitoring network includes more than 50 fixed stations, the majority of them are located downstream of major discharges to assist in determining their long-term effects on water quality. The remaining stations monitor areas of general concern, such as waters entering or leaving the state.
- **Licensing and Certifying.** The Code of Alabama 1975 § 22-24-5 requires that any person who intends to drill water wells must apply and obtain annually a water driller's license from ADEM. The Code of Alabama 1975 § 22-25-9 also requires ADEM to examine and issue a certificate of competency to any qualified applicant as an operator of a public water system. Specified operator classifications of the certification program

include water treatment plants, water distribution systems, wastewater treatment plants, and public wastewater collection systems. In conjunction with the operator's certification program, ADEM also certifies public water system laboratories. All certificate holders must renew their certificates every three years. Operators must provide evidence of required continuing education and training prior to renewal of their certificates.

- **Enforcing.** The department is authorized, under the Code of Alabama 1975 § 22-22A-5(12), to enforce all provisions of environmental laws. To enforce the federal and state environmental laws, ADEM has implemented a graduated enforcement strategy: verbal or written warnings, notice of violation, issuance of an administrative order with or without penalties, and civil litigation. In addition, the department utilizes a new type of enforcement action--consent orders. Unlike the administrative orders, which are unilateral, consent orders are a negotiated enforcement action agreed to by both ADEM and the violator prior to execution. When dealing with enforcement issues, ADEM and the U.S. Environmental Protection Agency (EPA) share complementary authority to enforce environmental regulations. EPA may initiate its own enforcement procedures against any regulated facility in the state if ADEM does not take timely and appropriate actions. ADEM coordinates with the EPA regional office through monthly phone calls and meetings as necessary to discuss violations and actions taken by ADEM staff members.
- **Assisting.** Staff members of ADEM provide technical assistance in the cleanup of spills caused by truck wrecks, train derailments, pipeline leaks, barge mishaps, faulty valves, or storage tank leaks. The agency also assists the U.S. Environmental Protection Agency (EPA) in implementing the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, designed to address problems associated with hazardous waste at abandoned or inactive sites that may pose a threat to human health and the environment. Staff members conduct site assessments and oversee removals at these sites. In addition, ADEM sponsors and coordinates a number of other environmentally related activities such as the annual Alabama Coastal Cleanups which mobilizes volunteers to pick up trash and record information on the types of debris found.
- **Serving.** The Code of Alabama 1975 § 22-22A-5(3) authorizes ADEM to serve as the state agency for administering federally approved or federally delegated environmental programs. For example, the United States Congress passed the Clean Water Act in 1972. The law was amended by the Water Quality Act in 1987 to authorize the U.S. Environmental Protection Agency (EPA) to make grants to states for deposit in state water pollution revolving loan funds. From these revolving loan funds, states may provide loans or other types of financial assistance to communities for the construction of publicly owned wastewater treatment facilities or wastewater management programs.

Legislative Act No. 87-226 established the State of Alabama Water Pollution Control Revolving Loan Fund and authorized the incorporation of the Water Pollution Control Authority to administer the revolving loan fund program. The authority issues bonds and places proceeds in the fund. The governor, the lieutenant governor, the speaker of the House of Representatives, the director of the Department of Finance, and the director of

ADEM constitute the members of the authority. The Code of Alabama 1975 § 22-34-5 specifies the governor as the president with the director of ADEM as the vice president.

Legislative Act No. 98-415 established the Alabama Drinking Water Finance Authority, which provides for the revolving loan fund program to serve public water supply systems. These legislative acts that established the authorities also designated ADEM as the agent for the authorities. The department performs environmental and technical reviews of local government entities applying for the loans and disburses the funds to recipients. ADEM is also required to submit an annual report on the programs to the authorities.

- **Educating.** The Code of Alabama 1975 § 22-22A-5(5), directs ADEM to serve as the state's clearinghouse for environmental data. The department is obligated, under the authority of the Code of Alabama 1975 § 22-22A-5(7), to "develop, conduct, and disseminate education and training programs." This subfunction encompasses the efforts of department staff in gathering and disseminating environmental information for the media and the public. ADEM staff members routinely conduct or coordinate environment related symposiums, workshops, training sessions, and other activities for government agencies, civic organizations, business and industrial entities, and the public. ADEM is also involved with several other federal and state agencies in designing a coordinated environmental education program for Alabama's schools. The Alabama Environmental Education Fund provides a comprehensive approach to environmental education for grades K-12 by combining resources under one umbrella for greater effectiveness.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency including:

**Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, lobbying, tracking), publicizing and providing information, managing records, and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; assisting in the audit process; investing; and issuing bonds.

**Managing Human Resources:** Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment

compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

**Managing Properties, Facilities, and Resources:** Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.



# **Analysis of Record Keeping System and Records Appraisal of the Alabama Department of Environmental Management**

## **Agency Record Keeping System**

ADEM currently operates a hybrid record keeping system composed of paper-based record keeping, and a computer system.

**Paper-based Systems:** Staff members create and maintain most of the agency's records in paper form. The department does not have a paper records management procedural manual for guiding staff in records storage, transfer, and disposition activities.

**Computer Systems:** Currently, the computer system for ADEM consists of a midrange mainframe system and fourteen network servers. The department utilizes a Wang VS12000 system to host most of its databases. Through the Wang system the department is connected to the state's IBM mainframe and the system of the U.S. Environmental Protection Agency. All of ADEM's employees have personal computers (PC) connected to the department's Local Area Network (LAN). The LAN utilizes Microsoft NT Server to run the network, with each PC running Microsoft Windows 95 or NT Workstation and Microsoft Office 97. The network is connected to the Wang system via gateways. ADEM's field offices are connected to the network in a WAN configuration using T1 lines for all connections, except one with a 56K connection.

Most of the department's databases reside on the Wang system and were developed using Wang's Professional Application Creation Environment (PACE) database language. A few databases have been developed in the network environment utilizing Microsoft Access. The department is also linked through network to databases maintained by the U.S. Environmental Protection Agency.

The department utilizes the Wang Integrated Image System (WIIS) to scan a variety of records. The documents that are scanned into the system include applications for permits, facility files, correspondence, notices of violations, images of maps, articles, newspaper clippings, and financial records. The system uses WORM (Write Once Read Many times) optical platters (12 inch) to store records. The optical platters are contained in two optical jukeboxes that hold fifty platters in each jukebox.

ADEM's Wang system and the network servers are backed up nightly. The WORM optical platters are backed up when the platter is filled. Back up tapes are stored onsite for one month and then sent to one of the department's field offices for two years before reuse.

The department manages a Web site on a server hosted by the Internet service provider Traveller, which is based in Huntsville, Alabama. The site, <http://www.adem.state.al.us/>, is maintained using WS\_FTP software. All of the department's Internet files are backed up on the webmaster's PC, with the original files also being stored in the division of origin.

**Micrographics:** ADEM contracts with private vendors to microfilm plans and specifications submitted by facilities prior to the construction of buildings. Reference copies of the microfilm are stored in the agency and opened to the public.

## Records Appraisal

The following is a discussion of the three major categories of records created and/or maintained by ADEM: Temporary Records, Permanent Records, and Records No Longer Created.

**I. Temporary Records.** Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met. Some of the temporary records created by the department are discussed below:

- **Facility Regulatory Files.** This series consists of permit/license and compliance records created/maintained in ADEM for all facilities/transporters that are regulated by provisions of federal and/or state environmental laws. Also included are similar records created for non-permitted facilities such as facilities with hazardous waste clean-ups, underground storage tanks, and confined animal feeding operations. Included in these files are applications for permits/licenses, inspection reports, compliance monitoring data, periodic reports submitted by facilities, complaints, enforcement records, and related correspondence. These files have long-term administrative value to the agency staff.
- **Hazardous Waste Transporter Permit Files.** In accordance with Code of Alabama 1975 § 22-30-15, ADEM is ensure that all hazardous wastes are transported to the permitted hazardous waste treatment, storage, or disposal facilities by screening and issuing permits to hazardous waste transporters. This series consists of applications for permits, financial assurance documents, trailer listings, spill contingency plans indicating how the transporter would respond to accidental discharges of hazardous wastes during loading, transport, or unloading processes. All permit holders must renew their permits every three years.
- **Drinking Water Chemical Monitoring Analysis Files.** These records document the collection and analysis of drinking water samples. Code of Federal Regulations (CFR) requires each state to keep records of analysis for twelve years (40 CFR 142.14 [a][6]).
- **Risk-Based Site Cleanup/Closure Files.** These records document the evaluation and cleanup activities associated with ADEM regulated facilities or abandoned sites that were identified as contamination sites. The facility with contamination may or may not close its operations after the cleanups. The federal Superfund Program assesses these sites from a national perspective and places these sites on the National Priority List (NPL) for cleanup. The Alabama Hazardous Substance Cleanup Fund provides funds for hazardous waste sites that are deemed too small for the NPL cleanup. ADEM is obligated to oversee the cleanups and subsequent monitoring activities under the guidance and supervision of the U.S. Environmental Protection Agency (EPA). Because the possible long-term impact of the contamination on environment, these files are maintained separately from the Facility Regulatory Files for the purpose of monitoring and evaluations. Records may

include facility cleanup or closure plans, engineer's evaluation reports, financial calculations of cleanups, and correspondence. EPA has the final authority to issue No Further Action (NFA) notices after cleanups. Information on any significant cleanup is captured in the department's bi-monthly newsletter and biennial report.

**II. Permanent Records.** The Government Records Division recommends the following records as permanent.

### **Promulgating Rules and Regulations**

- **Published Rules and Regulations.** These are reproductions of related sections of the Code of Alabama and Alabama Administrative Code that relate to the environmental policies and regulations. The rules and regulations are currently divided into fourteen divisions/categories and are available to the public either as hard copies or floppy disks (for Word 97) at a price. These records serve as the foundation for the department's environmental policy. **(Bibliographic Title: Published Rules and Regulations)**
- **Declaratory Rulings.** Declaratory rulings are defined as written decisions issued by the department's legal counsel with respect to the validity and applicability of a rule or statute. These records document ADEM's efforts in interpreting the state's environmental laws/rules, and procedure implementation. Combined with the rules and regulations discussed above, these rulings serve as the core documentation of rules and regulations promulgated by the Environmental Management Commission and the department. **(Bibliographic Title: Declaratory Rulings)**
- **Meeting Minutes of the Environmental Management Commission.** The commission is charged with the responsibilities for developing environmental policy for the state and for hearing/determining appeals of administrative actions. These records document proceedings of the bi-monthly meetings of the commission. **(Bibliographic Title: Meeting Minutes)**

### **Regulating**

Permanent records documenting this subfunction are found in the ADEM Bimonthly Reports and Biennial Reports, the Annual Air Quality Reports, and Special Program Activity Reports as described in the Educating heading and Reporting heading within the Administering Internal Operations subfunction.

### **Monitoring**

- **Ambient Environmental Monitoring Data Files/Databases.** These files contain air and water quality monitoring raw data collected by ADEM through its ambient/trend station network. The collected data are entered by ADEM into two national databases. The STORET (Storage and Retrieval of Water Quality Information System) is the EPA's national database for use in evaluation of physical/chemical water quality data. The AIRS (Aerometric Information Retrieval System) is STORET's counterpart for air monitoring

data. Both databases were established by EPA in early 1960s to serve as a permanent nation-wide environmental monitoring data acquisition system that allows all states to store, retrieve, and use the data at any time. Alabama began contributing information to these databases in the 1970s. The department also maintains several databases such as Fish Tissue Database, Toxicity Testing Database, and Aquatic Macroinvertebrate Database for use in tracking and evaluating other environmental data collected. Environmental monitoring data collected prior to participating in databases are maintained on paper by ADEM. Ambient environmental monitoring data may be utilized to serve as baseline information for specific studies or comparison of trends in air and water quality in the state.

## **Licensing and Certifying**

Permanent records documenting this subfunction are found in the ADEM Bimonthly Reports and Biennial Reports as described in the Educating heading and Reporting heading within the Administering Internal Operations subfunction.

## **Enforcing**

Permanent records documenting this subfunction are found in the ADEM Bimonthly Reports and Biennial Reports as described in the Educating heading and Reporting heading within the Administering Internal Operations subfunction.

## **Assisting**

- **Emergency Response Information System (ERIS) Database.** ADEM created and maintains the database for the statewide tracking of spills or illegal discharges to air, land, or water. Information recorded in the database includes site and date of the spill/release, type and estimated amount of material involved, name of the person reporting the incident, a categorization of the spill indicative of its potential effects on the environment, area affected by the spill, name of the potential responsible party, findings of ADEM inspector(s), and status of necessary cleanup efforts. This database has valuable research potential.

## **Serving**

Permanent records documenting this subfunction are found in the ADEM Bimonthly Reports and Biennial Reports as described in the Educating heading and Reporting heading within the Administering Internal Operations subfunction.

## **Educating**

- **Informational and Promotional Publications.** The department provides guidance to the public through the preparation and distribution of its publications, such as brochures, pamphlets, and other materials issued in print. In addition, the department also produces a

number of publications detailing or highlighting the state's progress in protecting or improving its environmental resources. For example, ADEM published in 1992 "Alabama's Clean Water 1972-1992: Celebration and Commitment" which provides a concise history of environmental action and stewardship of Alabama's water resources. The department released in 1998 a 48-page booklet entitled "Alabama Clean Water Success Stories" which showcases industrial, municipal, coal mining success, as well as highlights accomplishments in Alabama's river basins. **(Bibliographic Title: Informational and Promotional Publications)**

- **Bi-monthly Newsletters.** The department publishes "ADEM Environmental Update," a bi-monthly newsletter featuring articles on important environmental issues, dates of certain public hearings, staff retirements, obituaries, and calendar for future events. The newsletter serves as a communication and educational tool between ADEM and various groups, including government officials, the regulated community, environmental organizations, and the public. These records serve as documentation of the publishing process of the Administrative Support Operations function of Alabama government identified as level two collecting priority. **(Bibliographic Title: Periodical: Environmental Update)**

## **Administering Internal Operations**

- **Director's Files.** This series consists of official letters to and from the agency's director. These files contain information on various programs/projects, interactions with state/federal government entities, and communications with business or civilian organizations. They document the decisions and activities of the director. **(Bibliographic Title: Administrative Files)**
- **News Releases.** This series consists of statements or announcements concerning the department and its work prepared for distribution to the news media and the public. Subjects may include regulation changes, enforcement actions, public hearings, emergency cleanups, and environmental studies. **(Bibliographic Title: News Releases)**
- **ADEM "Environmental Update"- Biennial Reports.** The Code of Alabama 1975 § 22-22A-5(6), requires ADEM to "report to the governor and to the Legislature on the programs and activities of the department and to recommend needed changes in legislation or administrative practice." The department currently expands its bi-monthly newsletter, "Environmental Update," every two years to serve as the biennial report. Contents of the report may include reviews of progress and accomplishments of the department, status reports on various program areas, new publications, and schedules of future events. **(Bibliographic Title: Biennial Reports)**
- **Annual Air Quality Reports.** The Air Division of ADEM publishes these annual reports to document activities and status of the division's programs. Subjects covered in the report may include air pollutants, air quality monitoring, asbestos, acid rain, and ozone protection. Like the agency's biennial report, the annual air quality reports provide the

best available summary available documenting the state's efforts in maintaining safe air quality levels. **(Bibliographic Title: Annual Air Quality Reports)**

- **Specific Program Activity Reports.** In addition to regular Biennial Reports and Annual Air Quality Reports, ADEM also compiles and publishes various specific program activity reports to document the results and progress of its monitoring or regulatory activities. The following is a partial list of reports generated by ADEM in recent years: ADEM Water Quality and Fish Tissue Monitoring Program Reports: 1992-1995, Water Quality Trends of Selected Ambient Monitoring Stations in Alabama Utilizing Aquatic Macroinvertebrate Assessments: 1974-1992, ADEM Water Quality Report to Congress: 1994-1995, ADEM Reservoir Water Quality Monitoring Program Report: 1990-1995. **(Bibliographic Title: Specific Program Activity Reports)**

**III. Records No Longer Created.** The following records were created by ADEM over time, but are no longer created in this same format. In most cases these records were created for a purpose that no longer exists.

### **Promulgating Rules and Regulations**

- **Meeting Minutes of the Alabama Environmental Planning Council.** The State Legislature adopted in 1986 Senate Joint Resolution 172, which established the Alabama Environmental Planning Council (AEPC), a group of twenty-five members representing government, business, education, environmental professionals and citizens' organizations from all sections of the state. The resolution directed the AEPC to "develop a long-range environmental plan" for the state. In addition to its regular monthly meetings, the council held six public meetings between 1986 and 1988 throughout Alabama to provide the public opportunities to offer ideas about the plan. The council was disbanded in 1989 after the completion of the Environmental Protection Plan. These records document proceedings of the monthly meetings of the commission. **(Bibliographic Title: Meeting Minutes of the Alabama Environmental Planning Council)**
- **Environmental Protection Plan.** The Alabama Environmental Planning Council produced the Environmental Protection Plan in February 1989 to serve as the state's first comprehensive environmental management plan. The plan provides goals, objectives, necessary actions to achieve objectives, and possible consequences of inaction for each of the major environmental concerns identified by the council. **(Bibliographic Title: Environmental Protection Plan)**

# **Permanent Records List**

## **Alabama Department of Environmental Management**

### **Promulgating Rules and Regulations**

1. Published Rules and Regulations
2. Declaratory Rulings
3. Meeting Minutes of the Environmental Management Commission
4. Meeting Minutes of the Alabama Environmental Planning Council
5. Environmental Protection Plan

### **Monitoring**

1. Ambient Environmental Monitoring Data Files/Databases

### **Assisting**

1. Emergency Response Information System (ERIS) Database

### **Educating**

1. Informational and Promotional Publications
2. Bi-monthly Newsletters

### **Administering Internal Operations**

1. Director's Files
2. News Releases
3. ADEM "Environmental Update" -Biennial Reports
4. Annual Air Quality Reports
5. Specific Program Activity Reports

\*indicates records that ADAH anticipates will remain in the care and custody of the creating agency.

ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

# **Alabama Department of Environmental Management Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Department of Environmental Management. The RDA lists records created and maintained by the Department of Youth Services in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Under Code of Alabama 1975 § 36-12-40, "every citizen has a right to inspect and take a copy of any public writing in this state, except as otherwise expressly provided by statute." Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

## **Explanation of Records Requirements**

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Department of Environmental Management. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept.
- Electronic mail is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and



have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about department social activities, such as a note to a group going to lunch; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Alabama Department of Environmental Management and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

### **Promulgating Rules and Regulations**

#### **PUBLISHED RULES AND REGULATIONS**

Disposition: PERMANENT RECORD.

#### **DECLARATORY RULINGS**

Disposition: PERMANENT RECORD.

#### **MEETING MINUTES OF THE ENVIRONMENTAL MANAGEMENT COMMISSION**

Disposition: PERMANENT RECORD.

#### **MEETING MINUTES OF THE ALABAMA ENVIRONMENTAL PLANNING COUNCIL**

Disposition: PERMANENT RECORD.

#### **ENVIRONMENTAL PROTECTION PLAN**

Disposition: PERMANENT RECORD.

#### **Background and Reference Materials for Rules/Regulations**

Disposition: Temporary Record. Retain 5 years after rules are superseded, amended, or canceled.

#### **Background and Reference Materials for Declaratory Rulings**

Disposition: Temporary Record. Retain 10 years after rules are superseded, amended, or canceled.

## **Regulating**

### **Facility Regulatory Files**

Disposition: Temporary Record. Retain 10 years after creation.

### **Hazardous Waste Transporter Permit Files**

Disposition: Temporary Record. Retain 3 years after permit expires.

### **Laboratory Compliance Monitoring and Analysis Files**

Disposition: Temporary Record. Retain 5 years.

### **Field Office Staff Work Log Books**

Disposition: Temporary Record. Retain 5 years.

### **Drinking Water Chemical Monitoring Analysis Files**

Disposition: Temporary Record. Retain 12 years.

### **Clean Air Act Implementation Files (State Implementation Plan and files associated with the implementation of various programs under the Clean Air Act and its amendments)**

Disposition: Temporary Record. Retain 5 years.

### **Water Quality Management Program Files**

Disposition: Temporary Record. Retain 5 years.

## **Monitoring**

### **AMBIENT ENVIRONMENTAL MONITORING DATA FILES/DATABASES**

Disposition: PERMANENT RECORD.

## **Licensing and Certifying**

### **Well Drillers Licensure Files**

Disposition: Temporary Record. Retain 5 years after license expires.

### **Public Water System Operator Certification Files**

Disposition: Temporary Record. Retain 5 years after certificate expires.

### **Public Water System Laboratory Certification Files**

Disposition: Temporary Record. Retain 5 years after certificate expires.

## **Enforcing**

### **General Enforcement Files**

Disposition: Temporary Record. Retain 10 years after closing of the case.

**Asbestos Abatement Files**

Disposition: Temporary Record. Retain 3 years.

**Assisting****EMERGENCY RESPONSE INFORMATION SYSTEM (ERIS) DATABASE**

DISPOSITION: PERMANENT RECORD.

**Spills Tracking Files**

Disposition: Temporary Record. Retain 5 years.

**Risk-Based Site Cleanup/Closure Files**

Disposition: Temporary Record. Retain 30 years after the issuance of No Further Action (NFA) notice.

**Serving****Alabama Water Pollution Control Revolving Loan Fund Files**

Disposition: Temporary Record. Retain until completion of one audit and the release of the audit report after the loan is paid in full.

**Alabama Drinking Water Finance Authority Revolving Loan Fund Files**

Disposition: Temporary Record. Retain until completion of one audit and the release of the audit report after the loan is paid in full.

**Educating****INFORMATIONAL AND PROMOTIONAL PUBLICATIONS**

Disposition: PERMANENT RECORD.

**BI-MONTHLY NEWSLETTERS**

Disposition: PERMANENT RECORD.

**Administering Internal Operations: Managing the Agency****DIRECTOR'S FILES**

Disposition: PERMANENT RECORD.

**NEWS RELEASES**

Disposition: PERMANENT RECORD.

**ADEM "ENVIRONMENTAL UPDATE" - BIENNIAL REPORTS**

Disposition: PERMANENT RECORD.

**ANNUAL AIR QUALITY REPORTS**

Disposition: PERMANENT RECORD.

## **SPECIFIC PROGRAM ACTIVITY REPORTS**

Disposition: PERMANENT RECORD.

### **Environmental Management Commission Service Records (appointments and resignations)**

Disposition: Temporary Record. Retain until the completion of one audit and release of the audit report after the end of the fiscal year in which the member's term expires.

### **General Correspondence/Memoranda**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

### **Reference Files**

Disposition: Temporary Record. Retain for useful life.

### **Records Reference Requests**

Disposition: Temporary Record. Retain 5 years.

### **Telephone Logs**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

### **Visitor, Postal, and Freight Logs**

Disposition: Temporary Record. Retain 1 year.

### **Mail or Parcel Service Pickup/Delivery Receipts**

Disposition: Temporary Record. Retain 1 year.

### **Printing Service Request Files**

Disposition: Temporary Record. Retain until receipt of printed material.

### **Printing Negatives and Plates**

Disposition: Temporary Record. Retain until obsolete.

### **Citizen Suit Files**

Disposition: Temporary Record. Retain 5 years after settlement/closing of the case.

### **Notices of Intent to File**

Disposition: Temporary Record. Retain 5 years after end of statute of limitations.

### **Legal Case Files**

Disposition: Temporary Record. Retain 20 years after the final disposition of the case.

### **Administrative Hearing Case Files**

Disposition: Temporary Record. Retain 10 years after the final disposition of the case.

**Legislation Tracking Files**

Disposition: Temporary Record. Retain 5 years.

**Records documenting the implementation of the department's approved RDA(copies of transmittal forms to the Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Copies of RDA**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Computer Systems Documentation (hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions, Y2K records)**

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

**Purchase and Repair Order Documents**

Disposition: Temporary Record. Retain for life of equipment.

**Records documenting departmental information systems planning**

Disposition: Temporary Record. Retain for useful life.

**Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies**

Disposition: Temporary Record. Retain 3 years.

**Administering Internal Operations: Managing Finances****Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting requests for authorization from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms and itineraries**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting contracts for services or personal property**

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

**Records documenting the bid process, including requests for proposals and unsuccessful responses**

- a. Original Bid Records Maintained in the Purchasing Office of the Agency for Contracts over \$7500  
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)  
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the bids were opened.

**Audit Reports**

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

**Records documenting the application for, award of, receipt of, disbursement of and reporting of expenditure of federal funds received through grants**

Disposition: Temporary Record. Retain 6 years after submission of the final expenditure report.

**Records documenting the purchase of nonexpendable property/equipment with federal funds**

Disposition: Temporary Record. Retain 3 years after final disposition of property.

**Administering Internal Operations: Managing Human Resources**

**Job Recruitment Materials**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Position Classification Files**

Disposition: Temporary Record. Retain 4 years after position is reclassified.

**Application Materials**

Disposition: Temporary Record. Retain 1 year.

**Records documenting payroll (e.g. pre-payroll reports, payroll check registers)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting payroll deduction authorizations**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting payroll deductions for tax purposes (including Form 941)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting an employee's work history - generally maintained as a case file**

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

**Records documenting employee disciplinary actions (reprimands, demotions, transfers, terminations, appeals, and administrative hearings)**

Disposition: Temporary Record. Retain 3 years following decision.

**Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Records documenting sick leave donations**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

**Employee Flexible Benefits Plan Files**

- a. General information

Disposition: Temporary Record. Retain until superseded.

- b. Other (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

**State Employee Injury Compensation Trust Fund Files**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Equal Employment Opportunity Commission Case Files**

Disposition: Temporary Record. Retain 3 years.

## **Administering Internal Operations: Managing Properties, Facilities, and Resources**

### **Real Property Files**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the property is sold or otherwise disposed of.

### **SEMIANNUAL INVENTORY LISTS**

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

### **Transfer of State Property Forms (SD-1) (Agency copies)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

### **Property Inventory Cards and/or Computer Files**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

### **Receipts of Responsibility for Property**

Disposition: Temporary Record. Retain until return of item to property manager.

### **Real Property Leasing/Renting Records**

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

### **Facilities/Building Security Records (including visitor logs)**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

### **Vehicle and Equipment Maintenance Files**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the property is sold or replaced.

### **Insurance Policies/Risk Management Records**

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

### **Building Maintenance Work Orders**

Disposition: Temporary Record. Retain 1 year.



## **Approval of Records Disposition Authority (RDA)**

By signing this agreement, the Alabama Department of Environmental Management acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Alabama Department of Environmental Management will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the department, for coordinating the transfer and destruction of records, for ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, for submitting an annual report on records management activities to the State Records Commission in January of each year, and for ensuring the regular implementation of the agency's approved RDA.
- Permanent records in the Alabama Department of Environmental Management's custody will be maintained under proper intellectual control, and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Alabama Department of Environmental Management agrees to allow the State Records Commission, its staff, and the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the agency and to inspect records destruction documentation. Government Records Division archivists are available to train the center staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this revision to the Records Disposition Authority on January 25, 2001.

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Edwin C. Bridges, Chairman  
State Records Commission

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Date

Receipt acknowledged:

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James W. Warr, Director  
Alabama Department of Environmental Management

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Date